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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Situation of human rights in Myanmar

Note by the Secretary-General

Addendum

The Secretary-General has the honour to transmit to the members of the General Assembly an addendum to the interim report prepared by Mr. Yozo Yokota, Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar, in accordance with paragraph 20 of Commission on Human Rights resolution 1994/85 of 9 March 1994 and Economic and Social Council decision 1994/269 of 25 July 1994.

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ANNEX

Addendum to the interim report on the situation of human rights in Myanmar prepared by Mr. Yozo Yokota, Special Rapporteur of the Commission on Human Rights, in accordance with Commission resolution 1994/85 and Economic and Social Council decision 1994/269

1. The Special Rapporteur submitted to the Government of Myanmar, on 5 October 1994, a summary of allegations he had received concerning human rights violations in Myanmar (for the text, see A/49/594, para. 9). In his accompanying letter, the Special Rapporteur requested the Government of Myanmar's responses to five specific questions (see A/49/594, para. 8).

2. By note verbale dated 4 November 1994, the Permanent Mission of the Union of Myanmar to the United Nations Office at Geneva transmitted the responses of the Government of Myanmar to both the Special Rapporteur's summary of allegations received and the five specific questions put in his letter of 5 October 1994.

3. The following is the full text of the Government of Myanmar's response to the summary of allegations received by the Special Rapporteur:

"OBSERVATIONS AND REBUTTALS ON THE SUMMARY OF ALLEGATIONS

"A. Extrajudicial, summary or arbitrary execution

"1. No instances of extrajudicial, summary or arbitrary execution can be permitted in the Union of Myanmar and no provision is made in the law for such.

"2. With regard to the allegations against some members of the Tatmadaw (Myanmar Armed Forces) in Kayin State in the first paragraph under this heading, the events mentioned have not been found in either military or civilian reports. Neither have any reports of such events ever been received from the local populace.

"3. Since names such as 'Lu Thaw Township' and 'Mudraw District' that appear in the allegations are used only by Kayin armed groups, these allegations could only be the fabrications of the Kayin armed groups.

"4. In alleged cases of murder and rape there exist no specific details of which particular Tatmadaw member perpetrated rape against which particular Kayin woman. If there could be a precise and concrete evidence and proof, the guilty person will be uncovered and action will surely be taken in accordance with law.

"5. In Shan State, air strikes were made only on strongholds of the Ming Tai Army armed drug traffickers during the military operations against them

by the Tatmadaw. The strikes were carried out only during the time of the operations in the months of May and June 1994 and there were no air strikes on 10 July 1994 as alleged.

"6. Within the area of operation, the reason that the populace have fled was not because they were forced to do so by the Tatmadaw. The villagers from around this area were sympathizers and supporters of Khun Sa and his group, and were actively involved in such activities as poppy cultivation, opium production and drug trafficking. When the Tatmadaw columns approached the area, they fled because they were afraid that legal action would be taken against them.

"7. Members of the Tatmadaw have to observe not only the Defence Services Act and the Defence Services Rules, but also the Civil and Criminal Procedures. A member of the Tatmadaw who breaks the law is punished by both the military and civil courts. According to the Defence Services Act, murder and rape are crimes for which the maximum sentence of the death penalty can be meted out.

"B. Arbitrary arrest and detention

"8. In the Union of Myanmar, a person cannot be arrested and detained if it is not in accordance with the law. It is provided in section 61 of the Code of Criminal Procedure that no police officer shall detain in custody a person for a period exceeding 24 hours. Where it is necessary to detain such an accused for more than 24 hours, special order of a magistrate has to be obtained under section 167 of the Code of Criminal Procedure. The arrested person has the right of defence and the right to have legal defence counsel. Moreover, the arrested or detained person has the right to apply freely for bail to the magistrate concerned and the court may grant him bail according to the merits of the case.

[Reference: paragraph 5]

"9. Daw Aung San Suu Kyi is restrained after 20 July 1994 in accordance with section 10 (b) and section 14 of the Law to Safeguard the State against the Dangers of Those Desiring to Cause Subversive Acts. Under section 10 (b) of the said law, the Central Body, consisting of the Minister for Home Affairs as Chairman and the Minister for Defence and the Minister for Foreign Affairs as members, may restrain a person against whom action is taken, up to one year, for safeguarding the State against danger. If it is necessary to continue the restraint of the person against whom action is taken, on the completion of one year, the Central Body may continue the restraint, with the prior sanction of the Council of Ministers, year by year, up to five years. Hence, a person against whom action is taken may be restrained for one year in accordance with section 10 (b) of the Law to Safeguard the State against the Dangers of Those Desiring to Cause Subversive Acts, and restraint may be continued against that person, year by year, up to five more years in accordance with section 14 of the said law.

[Reference: paragraph 7]

"10. The allegation that seven persons, who were passively observing a Swiss national displaying a banner in front of Yangon City Hall and demanding the release of Daw Aung San Suu Kyi on 27 May 1994 were reported to have been arrested, is not true. No one was arrested nor interrogated.

[Reference: paragraph 8]

"11. On 4 July 1994, security personnel of Yangon Airport caught Khin Zaw Win with seditious anti-government literature and computer disks and confidential data from the Ministry of Energy, together with 62 polished rubies and sapphires and undeclared foreign currency, which he was trying to smuggle out of the country. Since December 1992, Dr. Khin Zaw Win and his colleagues - U Khin Maung Swe, U Sein Hla Oo and Daw San San Nwe - met with foreign journalists and contacted diplomats of some foreign embassies to send news comments that were against or were critical of the Government in order to make foreign Governments misunderstand the Government of Myanmar. They also made frequent contacts with a representative sent by the All-Burma Student Democratic Front terrorist group and the expatriate Sein Win group to exchange information and provide news and manuscripts for publications of these terrorist groups in the jungles. They also distributed seditious documents from the expatriate groups, some of which were seized from their houses by the authorities.

"12. Accordingly, the Mingaladon Township Court found Dr. Khin Zaw Win guilty of illegal acts:

"(a) Under section 17 (a) of the Unlawful Associations Act (1908) for contacting some members of the terrorist groups and providing funds for them. He was sentenced on 6 October 1994 to three years' imprisonment after due process of law;

"(b) Under section 5 (e) of the Emergency Provisions Act for arranging to write and distribute seditious literature. He was sentenced on 6 October 1994 to seven years' imprisonment after due process of law;

"(c) Under section 9(2)/24(1) of the Foreign Exchange Regulations Act (1947) for trying to smuggle out precious stones and foreign currency. He was sentenced on 6 October 1994 to three years' imprisonment after due process of law.

"13. Moreover, Yangon Divisional (Northern District) Court found Dr. Khin Zaw Win guilty of an illegal act under section 5(2)/(4) of the Government Official Secret Act (1923) for smuggling out confidential data from the Ministry of Energy of the Government of the Union of Myanmar. Accordingly, he was sentenced on 6 October 1994 to two years' imprisonment with labour.

[Reference: paragraph 9]

"14. On 21 July 1994, a Tatmadaw column found 105 huts belonging to the family quarters of the Mon armed group near Halockhami village while performing duties for the prevalence of peace and security in that area. They cleared the huts and caught four members of the Mon armed group. On 22 July 1994, the Tatmadaw column returned to Thanbyuzayat. On the way back, they discovered about 1,000 timber logs felled by the Mon armed group, which were about to be smuggled out. At that site, seven civilians were held for questioning. They were later released and only the four members of the Mon armed group were detained. The Tatmadaw column only entered and cleared a camp of the family members of the Mon armed group, situated near the Halockhami Mon camp. The Tatmadaw column never entered the Halockhami camp. The column was just performing its duty for the prevalence of peace and security of the area.

[Reference: paragraph 10]

"15. The Mingaladon Township Court found U Khin Maung Swe, U Sein Hla Oo, Daw San San Nwe and her daughter Ma Myat Mo Mo Tun guilty of an illegal act and criminal offence under section 5 (e) of the Emergency Provisions Act and section 109 of the Code of Criminal Procedure for their collaboration with Dr. Khin Zaw Win in writing and distributing false news that could jeopardize the security of the State. Accordingly, they were sentenced on 6 October 1994 to seven years' imprisonment.

"16. Moreover, Daw San San Nwe was sentenced to three years' imprisonment under section 17 (1) of the Unlawful Associations Act (1908) on 6 October 1994 by the same court for contacting some members of the terrorist groups and providing funds for them.

"17. The above-mentioned persons had the right of defence and the right to have legal defence counsel for their cases.

"18. Dr. Htun Myat Aye has not been detained. As he was aware of the movements of Dr. Khin Zaw Win and his colleagues, he was questioned and then released.

"19. When legal action was taken against Dr. Khin Zaw Win and his colleagues, Daw San San Tin was not included.

[Reference: paragraph 12]

"20. Thet Khine was a member of the 'Burma Communist Party' underground movement. He attempted to cause injury to himself while serving his sentence in Insein Prison. He was hospitalized, but did not die in Insein Prison on 15 July 1994 as alleged. He is still living.

"C. Torture and other cruel, inhuman or degrading treatment

"21. Torture and other cruel, inhuman or degrading treatment are illegal in the Union of Myanmar. Under section 330 of the Penal Code, whoever voluntarily causes hurt for the purpose of extorting confession shall be punished with imprisonment for a term which may extend to seven years and shall be liable to fine. Under section 24 of the Evidence Act, a confession made by an accused person is irrelevant in a criminal proceeding, if the making of confession appears to the court to have been caused by any inducement, threat or reward.

"22. Under section 43 of the Police Act, whoever commits torture on any detainee is liable to both imprisonment and fine. Under the Myanmar Police Manual, police officers of all ranks are rigorously required not to do anything that might tarnish the image of the police force even with the slightest show of harshness or violence in the treatment of persons in custody. The maltreatment of defenceless persons will lead to the dismissal of the guilty police officer. It is, therefore, clear that torture and other cruel, inhuman or degrading treatment are prohibited by the relevant laws in Myanmar.

[Reference: Paragraph 15]

"23. There exist some members of Tatmadaw who break the law and actions have been taken against them. But with regard to the allegation that 12 women from Won Mon village and Won Tse village circle in Laikha Township were gang-raped by some Tatmadaw personnel, no reports from civil or military have been received and no information about the alleged incidence has been received from the local populace. Here again, no concrete proof has been provided.

"D. Forced labour

"24. With regard to allegations of forced portering, the use of civilians as labourers in Myanmar has been practised since the time of the colonial rule, under the laws promulgated by the British. Following independence from the British, successive Governments have continued this practice according to the law.

"25. An abstract of the instructions concerning the use of civilian labourers by the Tatmadaw is provided herewith: Members of the Tatmadaw who are on active duty and who are unable to perform certain tasks can hire civilian labourers to assist them. The labourers must be paid from the time they leave their respective homes until they return on completion of their duty. Apart from the daily wages, they are entitled to receive rail and steamer travelling warrants or cash to cover the actual cost of transport to and from their homes and the operation area. The respective military unit has the responsibility of providing accommodation, messing, medical cover, and social welfare benefits for the hired labourers. Daily wages for these persons must be commensurate with those prevailing in the area.

"26. According to instructions issued by the Office of the Quartermaster General on 30 March 1993, a civilian labourer is to receive a daily wage of 20 kyats. In addition to the daily wage, the following daily rations are to be issued:

(a) Rice: 28 ounces;

(b) Cooking oil: 1.75 ticals

(c) Salt: 1.75 ticals

(d) Split peas: 5 ticals

(e) Saltfish: 5 ticals (in areas where saltfish is not available, four ounces of canned food may be substituted).

"27. Civilian labourers used in operation areas are looked after by the Tatmadaw. Besides giving out daily wages, the Tatmadaw provides medical care for sickness and injuries. A compensation equivalent to 36 times a month's earning is paid to the family on the death of a labourer. These matters are carried out systematically according to the Defence Services Council Order No.17/90 issued by the Office of the Quartermaster General on 3 September 1990.

"28. It can therefore be seen that the Tatmadaw is using civilian labourers or porters systematically, according to the law.

"29. The allegations that the Tatmadaw has recruited porters by force from big cities such as Tachileik, Kyaington and Taunggyi to use in the military offensive against the drug warlord Khun Sa are false.

"30. The reason why the Tatmadaw has to use such recruited civilian labourers is that there exist armed groups that terrorize and endanger the lives of Myanmar citizens. As the terrain of Myanmar is mountainous and thickly forested, many places are not accessible to vehicles. In order to overcome the difficulty, the State Law and Order Restoration Council has been inviting armed groups to return to the legal fold. As a result, 13 such groups have done so and the problem of having to use recruited civilian labourers or porters no longer exists in the areas once occupied by them. The porter problem continues to be present only in the Kayin, Karenni and Mon regions.

"31. For the United Nations to help in the elimination of the use of porters, it would be helpful to provide support for the regional development projects and anti-narcotic endeavours undertaken by the Government of Myanmar. Furthermore, it is not helpful to the process of reconciliation, if certain outside organizations continue to provide support to the Kayin and Mon armed groups. The Government of Myanmar wishes to promote brotherhood among its peoples and solve all problems peacefully. Without outside influences complicating the issues, unfounded allegations will soon fade away.

"32. Regarding allegations of other forced labouring, it has always been a tradition in the Myanmar culture of donating labour in the building of pagodas, monasteries, roads and bridges. A belief persists that doing so leads to mental and physical well-being. Those who can afford to, donate money, while those who cannot, donate their labour. It is widely accepted that voluntary work for the good of the community is not tantamount to forced labour or a violation of human rights.

"33. There have been allegations of violation of human rights in connection with the construction of railway lines. Rail links are part of development projects that benefit the local populace and people take part enthusiastically and conscientiously in the construction works. As such, it cannot be construed as forced labour.

"34. Since the State Law and Order Restoration Council assumed State responsibilities, Myanma Railways has been building new railroads. From that time until December 1993, 294.06 miles of new railway lines have been laid down. The construction was divided into 13 sectors, of which 4 were undertaken by the workers of the Myanma Railways.

"35. The following amounts of money have been paid by the Government for the contributors of labour and for other community development projects of the respective areas:

(a) Tadar U Myo Thar sector: K6 lakh for Ngazun Township and K8 lakh for Tadar U Township;

(b) Aungban-Pinlaung sector: K100 lakh for the villagers and K28.43 lakh for compensation for land taken up by the railway line;

(c) Pinlaung-Loikaw sector: K100 lakh for the villagers and K9.12 lakh for compensation for land and houses taken up by the railway line;

(d) Chaung U-Magyee Bok sector and Pakokku-Minywa sector: K82.9 lakh for the villagers.

"36. A medical doctor was assigned to each of the sectors by the Myanma Railways during the construction of the railway lines and the Chief Medical Officer tours the area often in order to provide health care for the local populace.

"37. At present, there are three sectors of railway lines under construction. They are:

(a) Pakokku-Gangaw-Kalay sector (212.12 miles long): a total of K181.7 lakh has been paid out to the villagers of Pakokku subsector and K118.4 lakh for the Kalay subsector;

(b) Shwenyaung-Namhsan sector (153.62 miles long): K103.8 lakh has been paid out to the villagers;

(c) Ye-Dawai sector (100.08 miles long): K124.6 lakh has been paid out to the villagers.

"38. Health care has been provided as in the other areas.

"39. In case of injuries and casualties arising from the construction works, provisions have been made by the Myanma Railways for adequate monetary compensation.

"40. Regarding allegations about minors used as labourers along the railway line, these allegations were made in general with no reference to specific name, address or place. As such, no action can be taken. The Union of Myanmar acceded to the Convention on the Rights of the Child on 16 July 1991 and the Child Law was promulgated on 14 July 1993. A National Committee, State/Division and District Level Committees concerning the rights of the child have formed, and there have been no complaints about forced child labour as alleged.

"41. If a person is found guilty of forcing a child to work under life-threatening or dangerous conditions, or making a child engage in work that would result in contracting disease, the person will be sentenced to six months' imprisonment or a fine of K10,000 or both.

"G. The situation of refugees from Myanmar

"42. The Buthidaung and Maungdaw areas in Rakhine State share a common border with Bangladesh and, from time to time, people from the Bangladesh side cross over and settle in these areas. They are drawn for reasons such as the spacious land, the presence of relatives, the fertile land for agriculture.

"43. In early 1992, the Government of Myanmar started construction projects for the development of the border areas. For some reason, these projects created concern among some in the regional community as well as members of the kalaspe armed groups which were based in the other country and who would infiltrate into Myanmar from time to time. Consequently, giving the reason of having to contribute labour for the construction projects, they started to cross over to the other side individually or in groups. About that time, news spread that relief goods were being distributed freely in the other country. Thus, starting from the second week of January 1992, whole families began to cross over. Also during 1991 when authorities concerned took normal measures throughout the country for the issuing of Citizen Identity Cards, some persons from these areas who dare not face scrutiny also fled over to the other side. At no time was there any forced relocation.

"44. The programme for voluntary repatriation to Myanmar of the area residents began in September 1992 after talks between the Myanmar and Bangladesh authorities. Starting from February 1994, a liaison office of the Office of the United Nations High Commissioner for Refugees (UNHCR) was opened in Yangon and, shortly after that, UNHCR field officers were on the

ground to assist with the voluntary and safe repatriation. The process of receiving returnees from Bangladesh is going smoothly. There have been 17 high-level meetings of the Myanmar and Bangladesh authorities regarding the repatriation process. As at 5 October 1994, 81,212 people have returned out of their own will; 273,704 people have been screened by the Bangladesh authorities and as at 27 February 1994 the number screened and received by the Myanmar side was 135,316. The programme is targeted to be completed during 1995.

"45. The people living in camps inside Thailand along the border with Myanmar are the family members of the armed groups. They live in the areas along the border line where the armed groups operate and they make frequent cross-overs to the other side. When armed clashes occur near the border, these family members of the armed groups cross over the border and camp out temporarily on the other side.

"46. With regard to the alleged attack on the Halockhami Mon camp by a Tatmadaw column, the true events are as follows: On 21 July 1994, a Tatmadaw column sited and cleared 105 huts belonging to the family quarters of the Mon armed group. Four members of the Mon armed group were captured at the site. Upon questioning, it was revealed that there was a big camp with nearly 2,000 persons at the base of a hill to the north-west, and that there were about 40 members of the armed group on the hill. As the Tatmadaw column proceeded to that area, it clashed with the armed group. Further skirmishes took place on 22 July 1994. During these encounters, one member of the Tatmadaw gave his life while two others were wounded. The Tatmadaw column did not move into the Halockhami Mon camp, but returned to Thanbyuzayat. On the way back, they discovered about 1,000 timber logs felled by the Mon armed group which were about to be smuggled out. At the site, seven civilians were held for questioning. They were later released, and only the four members of the Mon armed group were detained. The Tatmadaw column only entered and cleared a camp occupied by over 300 family members of the Mon armed group, situated near the Halockhami Mon camp. They never entered the Halockhami camp. The Tatmadaw column was only performing its duty for the peace and security of the area and there has never been any ill-treatment or human right violations against the area residents. The people living in this camp crossed over into the neighbouring country for reasons of their own.

"47. According to the Thai newspapers, it is learnt that about 5,000 Mons crossed over into Thailand. The so-called 'Mon refugees' returned to Myanmar from 9 to 15 September 1994 because of persuasion by the Thai authorities, and because of shortage of food supplies."

4. The following is the full text of the Government of Myanmar's response to the five specific questions the Special Rapporteur put to the Government of Myanmar in his letter dated 5 October 1994 (see A/49/594, para. 8):

"Responses to the queries made by the Special Rapporteur on the situation of human rights in Myanmar

[Response to question 1]

"1. The Myanmar authorities, in the statements made since action had to be taken against Daw Aung San Suu Kyi, made known the reasons for restraining her:

(a) That she had been influenced by anti-government, opportunistic politicians and insurgent groups in their attempt to seize political power for their own end, at a time when a political vacuum developed by the people's genuine desire to forsake the socialist economic system and their yearning for the return to a multi-party democratic system;

(b) For her own good and for the good of the country she had to be restrained in order to prevent her from promoting the cause of these unsavoury political elements who found their way and got themselves into positions of influence around her to create disunity among the only unified establishment left in this country, the Tatmadaw, which was endeavouring to stabilize the situation created by the political vacuum;

(c) Despite repeated caution on the part of the authorities, she made seditious speeches inciting the people to acts of violence and to cause division within the armed forces and division between the armed forces and the people.

"2. The specific legal authority for restraining Daw Aung San Suu Kyi is the 1975 Law to Safeguard the State against the Dangers of Those Desiring to Cause Subversive Acts. Under this law, if there are reasons to believe that any citizen has done or is doing or is about to do any act which infringes the sovereignty and security of the State or public peace and tranquillity, the Council of Ministers is empowered to pass an order, as may be necessary, restricting any fundamental right of such person.

"3. Also, under section 10 (b) and section 14 of this 1975 Law to Safeguard the State against the Dangers of Those Desiring to Cause Subversive Acts, there is the legal basis for the restraint of Daw Aung San Suu Kyi after 20 July 1994. Under this Law the Council of Ministers may pass an order as may be necessary restricting any fundamental right of a citizen if there are reasons to believe that he has committed, or is committing, or is about to commit, any act which infringes the sovereignty and security of the State or public peace and tranquillity. To exercise such power a Central Body, consisting of the Minister for Home Affairs as Chairman, and the Minister for Defence and the Minister for Foreign Affairs as members has been formed.

"4. The Central Body in passing restriction orders for safeguarding the State against dangers has the following powers:

(a) Arresting and detaining a person for a period not exceeding 60 days at a time, up to a total of 180 days;

(b) Restraining a person up to one year.

"5. If it becomes necessary to extend the period of detention or restraint, the Central Body may be authorized by the Council of Ministers to detain or restrain a person for a period not exceeding one year at a time, up to a total of five years.

"6. In accordance with section 13 of the Law, the Central Body shall obtain the prior sanction of the Council of Ministers if it is necessary to continue the restraint of the person against whom action is taken for a period longer than contained in section 10 (b).

"7. In so doing, in accordance with section 14 of the Law, the Council of Ministers may, in granting prior sanction to continue the detention and arrest or to continue to restrain, permit a period not exceeding one year at a time up to a total of five years.

"8. Hence, the Central Body can restrain a person for one year with its own mandate under section 10 (b) of the Law, and with the prior sanction of the Council of Ministers, can extend the period of restraint for five years in accordance with section 14 of the Law.

"9. In view of the foregoing, there is the legal basis for restraining Daw Aung San Suu Kyi after 20 July 1994 based on section 10 (b) and section 14 of the 1975 Law to Safeguard the State against the Dangers of Those Desiring to Cause Subversive Acts.

[Response to question 2]

"10. Regarding her physical well-being, other than being allowed to move outside her compound, she is free to live as she wishes within her property and enjoy all other privileges. She lives as she pleases, listens to the radio, watches television, reads, writes, exercises, sings and plays the piano and guitar. She has always had one maid to help her.

"11. She has no social difficulties. She can meet freely with her immediate family, and since the beginning of her restraint, her husband, Mr. Michael Aris, has visited her nine times, her elder son Alexander five times, and her younger son Kim eight times. She is allowed to write freely to her family and receive correspondence and parcels from them.

"12. She can meet freely with relatives who come to meet and live within her compound. She can also invite revered monks to her house to offer soon alms to them.

"13. Apart from giving Congressman Bill Richardson the opportunity to meet with Daw Aung San Suu Kyi two times when he last visited Myanmar, arrangements were made for her mother-in-law, Mrs. Evelyn Aris, on her arrival in Yangon on 28 October 1994, to spend a week together with Daw Aung San Suu Kyi.

"14. Daw Aung San Suu Kyi's health is in a good state.

[Response to question 3]

"15. The Chairman of the State Law and Order Restoration Council, Senior General Than Shwe, and First Secretary Lieutenant General Khin Nyunt, met with Daw Aung San Suu Kyi on 20 September 1994. Subsequently, another meeting took place between Lieutenant General Khin Nyunt and Daw Aung San Suu Kyi on 28 October 1994. Brigadier General Than Oo, the Judge Advocate General, and Brigadier General Tin Aye, the Inspector General of the Defence Services, were also present at the meeting. Such meetings are expected to take place again. Meetings with Daw Aung San Suu Kyi are regarded as purely an internal affair of Myanmar.

[Response to question 4]

"16. In its Declaration No.11/92 of 24 April 1992, the State Law and Order Restoration Council declared that it would convene a national convention within six months for the purpose of laying down basic principles to draft a new constitution, and that it would meet within two months with the leaders of the representatives elect of the political parties and independent representatives elect.

"17. A 15-member Steering Committee was formed on 28 May 1992, to coordinate with the representatives elect concerning the convening of a national convention. The coordinating meetings were held on 23 June, 30 June and 10 July 1992. Representatives from the National League for Democracy, Shan Nationalities League for Democracy, National Unity Party, Union Pa-O National Organization, Mro alias Khami National Solidarity Organization, Shan State Kokang Democratic Party, Lahu National Development Party and one independent representative attended these meetings, at the end of which a report on the type and number of delegates to attend the National Convention was submitted.

"18. The State Law and Order Restoration Council formed a National Convention Convening Commission according to Declaration No.13/92 of 2 October 1992. The duties and responsibilities of the Commission are as follows:

(a) To convene a national convention for laying down basic principles in order to draft a constitution;

(b) To ensure that the delegates keep to the following objectives during their discussions:

(i) Non-disintegration of the Union;

(ii) Non-disintegration of national unity;

(iii) Perpetuation of national sovereignty;

(iv) To establish and promote a genuine multi-party democratic system;

(v) To uphold the noble values of justice, liberty and equality;

(vi) For the Tatmadaw to take part in the national political leadership role of the State;

(c) To make arrangements for the delegates to be able to present their views, suggestions and proposals systematically.

"19. The Convening Commission for the National Convention, in order to be able to carry out its duties effectively, formed a National Convention Convening Work Committee and a Management Committee for Convening the National Convention.

"20. The National Convention Convening Commission, on the basis of the discussions at the coordinating meetings, decided that the following categories of representatives should attend the National Convention:

(a) Representatives from political parties;

(b) Representatives-elect;

(c) Representatives of national racial groups;

(d) Representatives of peasants;

(e) Representatives of workers;

(f) Representatives of the intelligentsia and technocrats;

(g) Representatives of state service personnel;

(h) Other invited personages.

"21. The State Law and Order Restoration Council issued Declaration No.14/92 on 5 November 1992, stating that the National Convention would be held on 9 January 1993.

"22. Fifteen chapters to be included in the constitution were agreed upon during the plenary session of the National Convention held from 9 January to 7 April 1993.

"23. One hundred and four principles which will serve as the basis for the new constitution were agreed upon during the plenary session of the National Convention held from 7 June to 16 September 1993.

"24. The plenary sessions held from 18 January to 9 April 1994 produced chapters on the State, the State structure and the Head of State.

"25. The plenary session reconvened on 2 September 1994, and the Chairman of the National Convention Convening Work Committee clarified basic facts and suggestions concerning the self-administered areas, legislature, executive branch and judiciary.

"26. At present, the delegates attending the National Convention are preparing papers reflecting their views and suggestions to submit to the National Convention Convening Work Committee.

"27. Once all the papers from the various delegate groups have been submitted to the National Convention Convening Work Committee, they will be presented at the plenary session. Subsequently, the details of the basic principles will be worked out."